

REMARKS

Claims 1-27 are pending. Claims 1, 10, and 19 are amended by way of this Amendment to clarify the subject matter of the invention. All claims 1-27, as amended, are believed to be allowable over the references cited by the Examiner as discussed below. Accordingly, a Notice of Allowance for the present application is respectfully requested.

Claims Amendments

Each of independent claims 1, 10, and 19 are amended to clarify the subject matter of the invention. It is believed that these amendments do not modify the scope of these claims. For example, the amendments in independent claim 1 merely clarify that the controller selectively operates the telephone system in a full or adaptive duplex mode in response to the receiver gain being approximately less than or above the receiver stability level. The added terms "selectively" and "in response to" are believed to be inherent in the claim as originally filed and thus merely further clarifies the subject matter of the invention.

Rejection of Claims 1-27 Under 35 U.S.C. §103

Claims 1-27 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Naddell in view of Arnaud.

Independent claim 1, as amended, generally recites a telephone system that includes a controller that selectively operates the telephone system in (a) a full duplex mode *in response to* the receiver gain being approximately less than the receiver stability level or (b) in an adaptive duplex mode *in response to* the receiver gain being approximately above the receiver stability level.

As generally recited in claim 1, it is the controller that selectively operates the telephone system in a full or adaptive duplex mode in response to the receiver gain being approximately less than or above the receiver stability level (i.e., not in response to user selection of full or half duplex mode).

In contrast, Naddell discloses a telephone system that includes a controller that operates the telephone system in a full duplex mode in response to user selection, i.e., via the mode button being depressed or not depressed (extended) by the user. See, for example, the volume/mode button 106 in FIG. 1, the volume/mode button 202 in FIG. 2; the mode selector 306 in FIG. 3,

and block 403 ("Set mode = full duplex") extending from the "Yes" path from block 402 ("Mode Button in?") in FIG. 4. See also associated text in the specification, for example,

With respect to the full duplex mode, Naddell's controller operates the telephone system in a full duplex mode not only in response to the user depressing the mode button 106, but also regardless of the volume level setting (e.g., the receiver gain, as recited in independent claim 1), and certainly not in response to the receiver gain being approximately less than the receiver stability level.

Naddell expressly states that "When in full duplex mode, such as when making a telephone call, the volume level is automatically set at a predetermined level regardless of the volume level setting to provide telephone style calling convenience." (Col. 2, lines 44-48, emphasis added). As another example, Naddell further states that "When the button 106 is depressed (the staff is not exposed), a full duplex mode of operation is selected and the volume level is set at a predetermined level regardless of the rotation position of the button." (Col. 3, lines 5-9, emphasis added). See also col. 3, lines 49-53: "When the switch staff is concealed (switch pushed in), the communication unit is set to the full-duplex mode of operation 403. In the full duplex mode, the audio level is set to a predetermined low level regardless of the volume setting on the switch 404" (emphasis added).

As is evident, Naddell's controller operates the telephone system in a full duplex mode purely and exclusively *in response to the mode button being depressed by the user*, and not in response to the receiver gain, much less in response to the receiver gain being approximately less than the receiver stability level.

With respect to the half duplex mode, Naddell's controller similarly operates the telephone system in a half duplex mode purely and exclusively in response to the mode button being not depressed (extended) by the user, and not in response to the receiver gain being approximately above the receiver stability level. For example, Naddell states that "When operating in a half duplex mode, ... the volume level setting is adjustable [by the user]" (Col. 2, lines 48-52). As another example, Naddell further states that "When the volume/mode button 106 is in the extended position (the staff is exposed), a half duplex mode of operation is selected. With the staff exposed, the button 106 can be rotated to adjust the volume level of received audio signals" (Col. 2, line 67 - col. 3, line 5). See also col. 3, lines 59-63: "When

the switch staff is exposed, the communication unit is set to the half-duplex mode of operation 406."

Furthermore, it is only after the half duplex mode is enabled that the controller even monitors the volume control rotary switch to determine the volume setting. See, for example, col. 3, lines 61-68, emphasis added: "After enabling the half duplex mode, the communication unit monitors the volume on/off control rotary switch to determine the volume setting or whether the communication unit is off 407. If the communication unit is on, it determines the volume level setting based on the position of the switch 408."

Thus because neither Naddell nor Arnaud discloses or suggests a controller that selectively operates the telephone system in a full duplex or adaptive duplex mode in response to the receiver gain being approximately less than or above the receiver stability level as generally recited in independent claim 1, even if the half duplex system of Arnaud were incorporated into the telephone system of Naddell, the resulting system would not read on the claimed system of independent claim 1.

Independent claims 10 and 19 recite elements similar to those discussed above with reference to independent claim 1 and are similarly amended. Thus the discussion above similarly apply to independent claims 10 and 19 and is not repeated herein for purposes of clarity.

Withdrawal of the rejection of independent claims 1-27 under 35 U.S.C. §103(a) is respectfully requested.

CONCLUSION

Applicants believe that all pending claims are allowable and respectfully request a Notice of Allowance for this application from the Examiner. Should the Examiner believe that a telephone conference would expedite the prosecution of this application, the undersigned can be reached at the telephone number set out below.

In the unlikely event that the transmittal letter accompanying this document is separated from this document and the Patent Office determines that an Extension of Time under 37 CFR 1.136 and/or any other relief is required, Applicant hereby petitions for any required relief including Extensions of Time and/or any other relief and authorizes the Commissioner to charge

the cost of such petitions and/or other fees due in connection with the filing of this document to
Deposit Account No. 50-2315 (Order No. 02-1757).

Respectfully submitted,



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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:
Doss Jr. et al.

Application No: 10/810,082

Filed: March 26, 2004

Title: Adaptive Duplexing For Amplified Telephone

Atty. Dkt. No. 02-1757(PLANP039)

Examiner: Briney III, Walter F.

Assignee: Plantronics, Inc.

Art Unit: 2644

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JUL 20 2005

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Transmitted herewith is an amendment in the above-identified application.
The fee has been calculated as shown below.

| | Claims Remaining After Amendment | Highest Previously Paid For Extra | Present | SMALL ENTITY RATE FEE | OR | LARGE ENTITY RATE FEE | |
|--------------|---|---|--------------|--------------------------|----|--------------------------|--|
| Total Claims | - | | | x 9 = \$ | OR | x 18 = \$ | |
| Ind. Claims | - | | | x 44 = \$ | OR | x 88 = \$ | |
| | | | TOTAL | \$ | | \$ | |

- ☐ Applicant(s) hereby petition for a _ month(s) extension of time to respond to the Office Action Please charge \$0.00 to Deposit Account No. 50-2315 (Order No. 02-1757). A copy of this sheet is enclosed.
- ☒ Applicant believe that no (additional) Extension of Time is required; however, if it is determined that such an extension is required, Applicant hereby petition that such an extension be granted and authorize the Commissioner to charge the required fees for an Extension of Time under 37 CFR 1.136 to Deposit Account No. 50-1217 (Order No. PLANP045).
- ☒ If the required fees are missing or any additional fees are required during the pendency of the subject application, please charge such fees or credit any overpayment to Deposit Account No. 50-1217 (Order No. PLANP045). A copy of this sheet is enclosed.

Respectfully submitted,

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